മിസ്റ്റർ സി. കെ. നായർ: ഈ കോളേജ് സീസ്സൈടിന്റെ പുറമെ കൊച്ചി രാജ്യത്തു സീസ്സൈട്ടുണ്ടോ ?

റാവുസാഹിബ് ഐ. എൻ. മേനോൻ: ഇല്ല.

മിസ്റ്റർ സി. കെ. നായർ: സീ സ്സൈട്ടിന്റെ ഇതുവരെ ബോട്ടണ്ടായിരുന്നില്ലേ ?

റാവുസാഹിബ് ഐ. എൻ. മേനോൻ: ഒരു ബോട്ടണ്ടായിരുന്നു. അതു കുറെക്കാലമായി കേടുവന്നിരിക്കുകയായിരുന്നു. ചില്ലറയായി ചില റിപ്പയറുകളൊക്കെചെയ്തു. അതുകൊണ്ടുമാത്രം മതിയാകാതെ വന്നതുകൊണ്ടു ഒരു ബോട്ടുകൂടി വേണമെന്നു തീർച്ചയാക്കിയതാണു്.

മിസ്റ്റർ സി. കെ. നായർ: ഇതൊക്കെ ആരുടെ അധീനത്തിലായിരുന്നു.

റാവുസാഹിബ് ഐ. എൻ. മേനോൻ: കോളേജ് സ്റ്റുഡൻസാണു് ഇതുവരെ നോക്കിയിരുന്നതു്.

Demand put and carried

LEGISLATIVE BUSINESS—GOVERNMENT BILLS

The Cochin Companies Bill

Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I have moved already that the Cochin Companies Bill may be taken into consideration at the last Meenam meeting of the Council. That motion was passed by the Council and when we reached the stage of consideration of the amendments, further consideration of the Bill was postponed on the ground that the notice given was not quite sufficient to enable the House to table the amendments which might be necessary in order to bring the measure into such a line as to suit local conditions and in deference to the opinion expressed by some of the Hon'ble Members of this House, the further discussion of the Bill was postponed and it has come again for consideration before this Hon'ble House to-day. I wanted to make this preliminary observation in order to refresh your memory in relation to the bill so that we can enter straight away into the amendments that are tabled. Before I deal with amendment No. 1 I wish to express my gratification to the Hon'ble Members for having tabled no amendments because consistent with the policy enunciated on behalf of the Government that the Cochin Companies Bill should be practically on a line with the law obtaining in British India, Government have drafted the Bill on the same lines. And though some time was taken, I think the Members have been able to appreciate that we have drafted the law in such way as not to give any room for complaints from banking and business concerns in Cochin State.

Mr. President: I think it should be more regular for you to move for the consideration of the Bill.

Mr. M. Sivarama Menon *(Advocate-General)*: That motion was moved last time and was passed.

Mr. President: The question now before the House is that clauses 2 to 11 stand part of the Bill.

Clauses 2 to 11 put and carried

Mr. M. Sivarama Menon *(Advocate-General)*: I rise to move that in sub-clause (1) of clause 12 for the words "from one place to another" the words "from the jurisdiction of one District Court to that of another" may be substituted.

In British India the term used is "from one Province to another Province". Here suppose there is a registered office of a company in one street of the Ernakulam town and it is simply changed to another street in the same town. The wording as it stands insists that sanction of the Court shall be obtained. This is a cumbersome process. This amendment is put in only for the purpose of making it obligatory that the sanction of the Court, need be taken only if the registered office is sought to be changed from the jurisdiction of one District Court to another in the State.

Mr. B. V. K. Menon *(Joint Secretary to Government)*: I second it.

Amendment put and carried

Clause 12 as amendmed put and carried

Clauses 13 and 14 put and carried

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that in sub-clause (2) of clause 15 for the words from one place to another", the words "from the jurisdiction of one District Court to that of another" may be substituted. This amendment is for the same purpose and is consequential upon amendment No. 1. In section 15, the words "from one place to another" appears in this Bill. That has to be changed.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 15 as amended put and carried

Clauses 16 to 104 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (1) of clause 105, for the words "the commencement of the Act", the words and figures "19th day of Meenam 1112 corresponding to 1st April 1937" may be substituted. This amendment was necessitated because Act XXII of 1936 passed in British India was brought into force in Cochin on the 19th Meenam 1112. Reference ought to be made to the date on which that Act was brought into force in Cochin and not to the date of commencement of this Act, and hence the amendment.

Amendment put and carried

Clause 105 as amended put and carried

Clauses 106 to 115 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (1) of clause 116 for the word ' arrangements" the word "arrangement" may be substituted.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 116 as amended put and carried

Clauses 117 to 126 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (3) of clause 127 for the word and figure "Section 122", the word and figure "section 121" may be substituted. This is only correcting a mistake that crept in the cross reference to the sections in the Bill.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 127 as amended put and carried

Clauses 128 to 130 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that in sub-clause (2) of clause 131 for the word "convention", the word "contravention" may be substituted. The word ought to be "contravention" and not "convention".

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 131 as amended put and carried

Clause 132 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (1) *(b)* of clause 133 for the word "extend", the word "extent" may be substituted.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 133 as amended put and carried

Clauses 134 to 141 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (1) of clause 142, for the words "the commencement of this Act", the words and figures "the 19th day

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of Meenam 1112 corresponding to 1st April 1937" may be substituted. This is just like the amendment No. 3, because we have to take in here the date when Act XXII of 1936 was brought into force in Cochin.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 142 as amended put and carried

Clauses 143 to 146 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in clause 147 for the word and figure "Section 142", the words and figures "Sections 141 or 142" may be substituted and for the words and figures "Sections 141, 143, 144 and 145" the words and figures "sections 141 to 145" may be substituted. This is only to supply an omission in the numbering of sections.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 147 as amended put and carried

Clause 148 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (1) of clause 149, for the word and figure "Section 142", the word and figure "Section 141" may be substituted. This is only to correct a mistake in the cross reference.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 149 as amended put and carried

Clauses 150 to 163 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (2) of clause 164, for the word "auditor" the words "the auditor" may be substituted. It is only to supply the definite article.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 164 as amended put and carried

Clauses 165 to 202 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in clause (*b*) of the proviso to clause 203 for the word and figure "section 174", the word and figure "section 173" may be substituted. It is only to cure a mistake in the cross reference.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 203 as amended put and carried

Clauses 204 to 219 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I rise to move that in clause 220, the sub-clauses (1) to (9) may be re-lettered as sub-clauses (*a*) to (*i*). This is only for changing to Roman letters.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 220 as amended put and carried

Clauses 221 to 333 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in clause 334, the word "in" occurring after the word "State" and the word "or" occurring after the word "shall" may be deleted. These two words are unnecessary there.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 334 as amended put and carried

Clauses 335 to 337 put and carried

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Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in clause 338—

(1) after the words "corresponding to", the word and figures "1st April 1937" may be added, and

(2) in the proviso for the word and figure "section 142" and "section 143A", the word and figure "section 141" and "section 142" may be substituted respectively. There is an omission in referring to the corresponding English date. We have only mentioned the Malayalam dates. The second amendment is for correcting the numbering of sections.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 338 as amended put and carried

Clause 339 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that the following proviso may be added to clause 340—

"Provided that any company which uses as part of the name under which it carries on business, the word 'bank", "banker', or "banking" shall be deemed to be a banking company notwithstanding that the accepting of deposits of money on current account or otherwise, subject to withdrawal by cheque, draft or order, is not, or is not shown to be, the principal business of the company."

This amendment was effected to the Indian Companies Act after our Bill was drafted. We are incorporating that amendment also.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 340 as amended put and carried

Clauses 341 to 344 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that the proviso to sub-clause (3) of clause 345 may be deleted. The necessity of that proviso has ceased to exist, because the time granted by the special Proclamation lapsed on the 1st April 1943. This is superfluous now.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put aud carried

Clause 345 as amended put and carried

Clauses 346 and 347 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I move that in sub-clause (3) of clause 348, for the word and figure "section 179", the word and figure "section 180" may be substituted. It is a mistake that crept in the numbering of the sections.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 348 as amended put and carried

Clauses 349 to 361 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I rise to move that in clause 362, the words and figures "save as provided in sections 230 and 231" may be deleted. There is no necessity for those words and figures, because we are having all accounts of winding up in Courts and not in banks.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Amendment put and carried

Clause 362 as amended put and carried

Clause 363 put and carried

Schedules I to IV and the Appendix put and carried

Clause(1), Title and Preamble, put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Companies Bill may be taken up and finally passed to-morrow.

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Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried

The House rose for lunch at 1-40 p.m. and reassembled at 2-40 with the Deputy President in the Chair

THE COCHIN PAYMENT OF WAGES ACT (AMENDMENT) BILL

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Payment of Wages Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The purpose of this amendment is only to bring in the employees in motor boats plying in the backwaters, within the ambit of the Act. The Motor and Steam Boat Employees' Association brought to the notice of the Government by a memorandum certain difficulties which were experienced by them as a result of the wording of the section in the present Act. The definition of "Industrial Establishment" in the Payment of Wages Act does not take in inland motor vessels or vessels propelled by any power other than steam. It is thought necessary to extend the provisions of the Act to the crew of all inland vessels whether propelled by steam, electricity or any other power. That is the principle involved in the Bill. It is absolutely a non-contraversial measure and I hope the House will pass it unanimously.

Mr. A. B. Salem *(Mattancheri):* Will not "inland sea" include backwaters.

Mr. M. Sivarama Menon *(Advocate-General):* A steam vessel cannot be a Motor vessel, and a steam vessel cannot be a vessel run by electric power. We are only including within the definition "inland vessel propelled by steam, electricity or other mechanical power". We are only amplifying the definition.

Motion that the Payment of Wages Act (Amendment) Bill be read in Council, put and carried

Secretary to the Council: The title of the Bill is "The Cochin Payment of Wages Act (Amendment) Bill".

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that S. O. 32 may be suspended.

Deputy President: Yes, it is suspended.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Payment of Wages Act (Amendment) Bill be taken up for consideration.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Clause 2 put and carried

Clause 1 and Title and Preamble, put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Payment of Wages Act (Amendment) Bill be taken up and finally passed to-morrow.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried

OFFICIAL RESOLUTION

Noon-day meals to Childern attending primary classes

Mr. V. K. Bhaskara Menon *(Cranganur):* On a point of order. Before the Hon'ble Member for Public Instruction moves the resolution I submit that the member is absolutely not in order when he moves a resolution because there is no scope under the Act or rules or the Standing Orders framed thereunder for the moving of a resoultion by the Government. So, though it is printed in the agenda, my submission is that a resolution moved by the Government becomes absolutely meaningless and quite rightly so, because a specific form is prescribed for a resolution, that is a specific recommendation to the Government. Here it will amount to a recommendation by the Government to the Government. Such a thing could never have been contemplated by a Legislature and my submission is that the resolution as framed and brougt has to be ruled out as being out of order.

Mr. A. V. Mothedan *(Chalakkudi):* I oppose the point of order. The Hon'ble Director of Public Instruction is a member of the Legislative Council and he has got the right to move a resolution and it is perfectly in order.

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